



Dated: January 12, 2010 16:00:27

The following is ORDERED:

A handwritten signature in black ink, appearing to read "Richard L. Bohanon".

Richard L. Bohanon
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In re:)	
)	
MICHAEL L. CALLOWAY SR. And)	Case No. 09-16011--BH
LILLIE E. CALLOWAY,)	Chapter 7
)	
Debtors.)	

**ORDER FOR RULE 2004 EXAMINATION OF DEBTOR,
AND COMPELLING PRODUCTION OF DOCUMENTS**

This matter comes on for consideration pursuant to the Motion For Rule 2004 Examination of Debtor Michael L. Calloway, Sr. and Brief in Support filed by Red River Roofing and Construction, Inc., on December 21, 2009 (docket sheet item no 23) and as amended (per docket sheet item No. 24) on December 23, 2009. In the motion, Red River Roofing asked that the court order debtor Michael L. Calloway, Sr. to appear for an examination pursuant to Fed. R. Bankr. P. 2004, and to bring with him the below listed documents. On December 21, 2009, the motion (docket sheet item No. 23) was electronically transmitted by Red River Roofing's counsel to the clerk of the court using the ECF System, and the court clerk transmitted the Motion to the ECF registrants, who include the Debtors' attorney and the chapter 7 trustee. On December 21, 2009, the motion was also mailed by Red River Roofing's counsel to the Debtors. On December 23, 2009, the amended motion (docket sheet item No. 24) was electronically transmitted by Red River Roofing's counsel to the clerk of the court using the ECF System, and the court clerk transmitted the Motion

to the ECF registrants, who include the Debtor's attorney and the chapter 7 trustee. On December 23, 2009, the amended motion was also mailed by Red River Roofing's counsel to the Debtors.

Under LCvR 7.2 (W.D. Court rules) and Local Rule 9013(e), the last date to object or otherwise respond to the Motion was no later than January 11, 2010. No objection to the Motion was filed, or received by Red River Roofing's counsel. Therefore, the Motion is deemed confessed pursuant to Local Rule 9013(f). Accordingly, the court holds that the Motion should be, and is hereby, granted. Wherefore, absent some other agreement between Red River Roofing and debtor Michael L. Calloway, Sr., debtor Michael L. Calloway, Sr. is hereby ordered to appear for examination by Red River Roofing pursuant to Fed. R. Bankr. P. 2004 at the office of David L. Nunn, P.C., at 17 East First Street, Edmond, Oklahoma 73034, on January 21, 2010 at 9:30 a.m. to be examined concerning the matters referenced in the Motion. Said debtor is also ordered to bring with him the following documents:

- A. All documents in his possession, custody and/or control relating in any way to any insurance claim on the Calloway House¹ for damages remedied/repaid by Red River Roofing ("Insurance Claim");
- B. The front and back copy of any insurance check related to the Insurance Claim;
- C. All documents evidencing communications by Debtors (or either of them) with any person or entity in any way related to the labor/material supplied by Red River Roofing;
- D. The bank statement for any account into which any insurance check or instrument on the Insurance Claim was deposited;
- E. All documents evidencing the status and/or disposition of the insurance check on the Insurance Claim; and
- F. Michael L. Calloway's 2008 federal income tax return, to include all schedules related thereto.

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¹ All capitalized terms not otherwise defined herein have the meaning ascribed to them in the motion.

Approved For Entry:

/s/ David L. Nunn
DAVID L. NUNN, OBA #14512

- Of the Firm -

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